

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES THOMAS HART,  
Plaintiff,

v.

LAWRENCE L. BRAUN; COUNTY OF NAPA;  
TERRY DAVIS, Public Defender Office  
for the County of Napa,  
Defendants.

No. 03-5580 CW

ORDER FOR  
BRIEFING AFTER  
REMAND

On September 13, 2005, the Ninth Circuit issued its mandate in this case, reversing and remanding. The Ninth Circuit ruled that this Court erred by dismissing on statute of limitations grounds Plaintiff's malpractice claim against his former public defender without considering the applicability of equitable tolling. The Ninth Circuit did not address the Court's ruling in favor of Defendants on Plaintiff's civil rights claim; therefore, judgment in favor of Defendants on the civil rights claim is not affected by the Ninth Circuit's ruling.

The Court sets the following briefing schedule on the issue of whether equitable tolling applies to Plaintiff's malpractice claim.

Defendants shall file a motion for summary judgment within two weeks from the date of this order. Plaintiff shall file an opposition two weeks thereafter. Defendants' reply is due one week later. The motion will be decided on the papers without a hearing.

Dated: 10/4/05

  
CLAUDIA WILKEN  
United States District Judge